

Oklahoma Law Review

Volume 70 | Number 4

2018

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Recommended Citation

Ross E. Davies, *Five Little Lessons in Lawyering from Thurgood Marshall*, 70 OKLA. L. REV. 779 (2018), <https://digitalcommons.law.ou.edu/olr/vol70/iss4/1>

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OKLAHOMA LAW REVIEW

VOLUME 70

SUMMER 2018

NUMBER 4

FIVE LITTLE LESSONS IN LAWYERING FROM THURGOOD MARSHALL

ROSS E. DAVIES*

Thurgood Marshall—the famed civil rights advocate, lawyer, and Supreme Court Justice—was renowned for his storytelling, and this Essay revolves around stories—true stories—told by and about him. It is, therefore, a salute to the man by way of storytelling, in hopes that we may learn a few little lessons—some old, some maybe new—from his life. I never met Marshall or saw him speak myself. But I’ve been told by many people who knew him or heard him arguing in court or negotiating in private, that in his hands—in his voice—the entertaining or terrifying anecdote was a powerful, persuasive tool. And a powerful, persuasive *teaching* tool as well.

In fact, it is nearly impossible to find a biography or other memoir of Marshall that does not include at least some anecdotal lessons on law and life. Deborah Rhode of Stanford University contributed a chapter on Marshall to a book titled “In Chambers: Stories of Supreme Court Law Clerks and Their Justices,” and it remains one of my favorites on this topic.¹

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Thanks to Dennis J. Hutchinson, who had nothing to do with the drafting of this Essay and everything to do with my appreciation of Thurgood Marshall. A version of this paper was delivered as the 2017 Henry Family Lecture at the University of Oklahoma College of Law on October 23, 2017. Thank you to the Henry Family for creating this forum, and to the University of Oklahoma College of Law for giving it such a fine home.

1. Deborah L. Rhode, *Thurgood Marshall and His Clerks*, in *IN CHAMBERS: STORIES OF SUPREME COURT LAW CLERKS AND THEIR JUSTICES* 314 (Todd C. Peppers & Artemus

The last section of Rhode's chapter is titled "Marshall as Mentor," and it consists of five "lessons about law and life" based on Marshall stories.² It is, I suppose, a telling indication of the range of Marshall's repertoire that there is *little* overlap between Professor Rhode's selections and mine. And it is, I suppose, a telling indication of the quality of Marshall's repertoire that there is *some* overlap between Rhode's selections and my selections, and the selections of many other commentators out there who have written or spoken about Marshall and his storytelling.³ Many of his stories bear repeating, over and over. He was that good. Here is how Professor Rhode put it, citing yet another law professor:

Harvard law professor David Wilkins summarized a common view: "stories were such an integral part of who he was and why he was such a great man. He had such an eye for . . . understanding the humanity of people." The anecdotes would always "evoke a laugh [but also] . . . make a point."⁴

Part of what made Marshall's storytelling especially powerful, however, was that he did not reserve to himself the power to make a point. He would give his listeners the facts in his own inimitable style, but he often would stop there, burdening—and empowering—his listeners to draw their own conclusions, to find their own lessons, to make their own points from his stories. The conclusions to be drawn—the little lessons to be learned—belonged to each listener, depending on what that person was able or willing to hear and consider.

In the coming pages, I am going to tell you three Marshall stories, one about the *Brown v. Board of Education* cases, one about an arrest while he was working in the South, and one about an investigation of the Army during the Korean War. I will suggest a little lesson or two that we might take from each of them, but I will also try, in the spirit of Thurgood Marshall, to tell those stories in a way that leaves them open to your own interpretations, too. And so, let us start with the run-up to the first Marshall story.

Ward eds., 2012). Everyone should take the time to read Professor Rhode's chapter—it's great.

2. *Id.* at 320-23.

3. *Id.* at 320.

4. *Id.* at 322 (alteration in original) (footnote omitted).

I. Rights, Remedies, and Brown v. Board of Education

From the founding era to the present day, many fine lawyers have been elevated to the Supreme Court of the United States. But a good argument could be made that one lawyer, at least, was *not* elevated by appointment to the Court. A good argument could be made—indeed, can easily be made—that it was the Supreme Court, not the appointee, that was elevated when Thurgood Marshall became an Associate Justice of the Supreme Court just over fifty years ago (on August 30, 1967, to be precise).⁵ There are too few pages at our disposal to catalog all the good work Thurgood Marshall did before he became a Justice—or all the courage he displayed, all the obstacles he overcame, all the tragedies and injustices he averted and sometimes suffered, all the cases he won, and so on and so on. We will instead simply take the academic equivalent of judicial notice of Marshall's greatness.

But for all the good Marshall did, he left plenty of room for successors. How much room? Well, consider this devastating passage (which includes our first Marshall story) from an article by Dennis Hutchinson of the University of Chicago, one of the leading scholars on Marshall in particular and the struggle for desegregation in general:

In 1979, [says Hutchinson,] I wrote a sustained account of the Supreme Court's decision-making process in racial segregation cases from [*Missouri ex. rel.*] *Gaines* [*v. Canada* in 1938] to *Cooper v. Aaron* [in 1958]. As part of my research, I interviewed Marshall on background. . . . Marshall . . . felt that his own campaign against Jim Crow, which began in the mid-1930s and did not end personally until he became a federal judge in 1961, had produced empty or unstable victories. He said the biggest mistake he made was assuming that once Jim Crow was deconstitutionalized, the whole structure would collapse—'like pounding a stake in Dracula's heart,' he said. But in the twelve months between *Brown I* and *Brown II*, he realized that he had yet to win anything. He drove the point home to me, and concluded our conversation, by comparing how he felt the day after *Brown I* in 1954 and after *Brown II* in 1955: 'In 1954, I was delirious. What a victory! I thought I was the smartest lawyer in the entire world. In 1955, I was shattered. They gave us nothing

5. See *Biographical Directory of Article III Federal Judges, 1789–Present: Thurgood Marshall*, FED. JUDICIAL CTR., <https://www.fjc.gov/history/judges/marshall-thurgood> (last visited Feb. 28, 2018).

and then told us to work for it. I thought I was the dumbest Negro in the United States.’

Thurgood Marshall's hard-won wisdom is a caution to us all.⁶

From this story, we can gather our first little lesson, and it is a classic little lesson for us lawyers—a reminder, really, of a fundamental practice tip: *For every right there must be a remedy, for without a remedy, the right is empty.* Of course, it is a little lesson that is much easier to remember, and take seriously, when you consider Marshall’s anecdote about his post-*Brown* feelings and the anecdote’s ability to bring the lesson home and make it stick.

That, at least, is what I take to be the point of Marshall’s story of his *Brown-I-to-Brown-II* experience, because *Brown I* vindicated a constitutional right of African American children—of all children, really—to equal treatment in public education, free of segregation on the basis of race.⁷ But, *Brown II* did not nail down a remedy for racial segregation.⁸ And so the good lawyers who are Marshall’s successors are still fighting to remedy the wrongs that he sought to right in *Brown*.⁹ The lesson or lessons you draw might be different, and that’s fine.

This does lead to a more general point that should be clear to all of us: There are more than enough injustices and other imperfections in our world to provide opportunities aplenty for modern lawyers to be as brave, as brilliant, as resourceful, as relentless, and as effective as Thurgood Marshall was—and to make the kind of impact on our world that Marshall made on his. So, why aren’t we, and why don’t we? The answer is, alas, obvious, and we do not need a story to see it: It wasn’t easy being Thurgood Marshall, and it isn’t easy to emulate him. As his comments to Professor Hutchinson show, even Marshall himself was unable to achieve all that he aspired to. I know I cannot do it—I lack the courage, the brains, the energy, the resolve, and the rest. Maybe some others reading this Essay are in the same boat. But those of us who are not Thurgood Marshall-caliber lawyers

6. Dennis J. Hutchinson, *A Century of Social Reform: The Judicial Role*, 4 GREEN BAG 2d 157, 168 (2001) [hereinafter Hutchinson, *A Century of Social Reform*] (footnote omitted) (citing *Cooper v. Aaron*, 358 U.S. 28 (1958); *Brown v. Bd. of Educ. (Brown II)*, 349 U.S. 294 (1955); *Brown v. Bd. of Educ. (Brown I)*, 347 U.S. 483 (1954); *Mo. ex. rel. Gaines v. Canada*, 305 U.S. 337 (1938)); see also Dennis J. Hutchinson, *Unanimity and Desegregation: Decisionmaking in the Supreme Court, 1948-1958*, 68 GEO. L.J. 1 (1979) [hereinafter Hutchinson, *Unanimity and Desegregation*].

7. *Brown I*, 347 U.S. at 495-96.

8. *Brown II*, 349 U.S. at 300-01.

9. See generally Hutchinson, *Unanimity and Desegregation*, *supra* note 6.

(or lawyers-to-be) can still do some good, however slight. And maybe we can pick up a few ideas from a few more looks into Marshall's life.

II. Of Gift Horses, "Eternal Vigilance," and Ada Lois Sipuel Fisher

Let us try a short one now. It is actually a story within a story from a book called *A Matter of Black and White: The Autobiography of Ada Lois Sipuel Fisher*.¹⁰ As many of you probably know, Sipuel Fisher applied to the University of Oklahoma College of Law in 1946.¹¹ Even though she was extremely well-qualified, she was denied admission—solely because she was African American.¹² Sipuel Fisher challenged the university's decision in court, where she was, not surprisingly, represented by Thurgood Marshall.¹³ Sipuel Fisher lost at every level until she reached the U.S. Supreme Court, where she won.¹⁴ It took a great deal more litigation, lobbying, and other action to accomplish the remedy of actual enrollment at the College of Law—remember lesson one!—but it did eventually happen.¹⁵ She graduated in 1951 and lived a long and productive life in Oklahoma, first as a lawyer and then as a professor, but always as a civil rights leader.¹⁶

In her autobiography, Sipuel Fisher recalls that Marshall—her lawyer—was, as she puts it,

a gifted raconteur, his stories a steady source of insight, inspiration, and humor. Because most of his legal practice was south of what he always called the "Smith and Wesson line," he had traveled thousands of miles through rural, racist areas in the south. He had encountered the Ku Klux Klan, the White Knights, and every variety of hate and racist groups. . . . On [one] occasion he told us how wary and cautious he had to be with southern sheriffs and policemen. He recalled an occasion when he was arrested in a small town in Georgia for some minor, trumped-up traffic violation. A big-bellied cop took him to the jail and booked him. The officer asked if Marshall was hungry.

10. ADA LOIS SIPUEL FISHER & DANNEY GOBLE, *A MATTER OF BLACK AND WHITE: THE AUTOBIOGRAPHY OF ADA LOIS SIPUEL FISHER* (1996).

11. *Id.* at 81.

12. *Id.* at 83-84.

13. *Id.* at 90.

14. *Sipuel v. Bd. of Regents of Univ. of Okla.*, 332 U.S. 631, 633 (1948) (per curiam).

15. FISHER & GOBLE, *supra* note 10, at 124-45.

16. *Id.* at 155-62.

He was. When instructed to go across the street to a small café for coffee and a sandwich, Thurgood declined. “No thank you, no way,” he remembered saying. “I’m hungry, but you’ll have to handcuff me and escort me to the restaurant. I don’t want to be shot in the back on a charge of trying to escape.”¹⁷

And here we have, from our second Marshall story, what I would suggest is our second little lesson from Marshall. It is another classic little lesson for us lawyers, another reminder, another fundamental practice tip: *Always look a gift horse in the mouth, because no one ever gives away anything good in litigation or negotiation.* Like the first lesson, this lesson is easy and commonsensical—for a lawyer or law student at least—and is easier to hold on to, and to take seriously, when it comes to you with the humor—and the real fear—inherent in Marshall’s anecdotal delivery.

But just under the surface of this story there is another, perhaps even more important lesson for us. Stop and think for a moment. Why did Thurgood Marshall, the glamorous, famous, high-powered, out-of-state lawyer, tell this particular scary story to this young and (at the time) unknown, powerless, local young person? Well, obviously, because she was his client. But what point was this client supposed to take away from this story? She already knew full well the terrors of racism; she didn’t need Marshall’s help to understand that. For example, when she did eventually make it into the University of Oklahoma College of Law, she was always careful to leave campus in time to be home before nightfall.¹⁸ She knew the dangers of being an African American civil rights activist, alone, in the open, after dark.¹⁹ So, what was Marshall’s point?

I think Marshall was simply telling her what to do—how to resist and survive, if you will—in his own matchless storytelling style. That little lesson about gift horses wasn’t just Marshall telling a lawyer story, or even telling a Jim Crow story. It was Marshall teaching his client. He was reminding her that at the end of the day, her case—her life—belonged to her, just as Marshall’s had when he was “arrested in a small town in Georgia for some minor, trumped-up traffic violation.” She should be on the lookout for invitations to get shot in the back, metaphorically as well as literally.

Later on in her work with Marshall, it must have seemed to Sipuel Fisher, in retrospect, that Marshall was doing some impressive forecasting

17. *Id.* at 95-96.

18. *Id.* at 77.

19. *Id.*

of the future when he told her that story in 1946. In 1948, after the U.S. Supreme Court ruled in her favor, what did the Oklahoma Board of Regents do? Rather than honoring the rights bestowed on Sipuel Fisher by the Court, the Board offered her the educational equivalent of that café across the street in Georgia. They fabricated a Potemkin law school in about a week—the Langston Law School (a fake graduate school under the umbrella of what has become in modern times a fine educational institution, Langston University²⁰)—and then invited her to enroll there instead of the University of Oklahoma College of Law.²¹ She refused, continued her fight to study at the College of Law, and won.²² And so Sipuel Fisher’s story about Thurgood Marshall’s storytelling gives us our third little lesson: *Teach your clients, because the cases are really theirs, and you won’t always be there for them anyway. Put another way, “Eternal vigilance is the price of liberty.”*²³

III. Marshall, MacArthur, and the Horn

In the late 1940s, when Marshall began working with Sipuel Fisher and her supporters, he was still what I would think of as a young person—he was only about forty years old then. But he was already a prominent national figure, widely recognized and reported on for his role in the civil rights movement and his extraordinary successes in court.

And so, in 1950, when the NAACP began hearing of complaints about mistreatment of African American soldiers serving in the Korean conflict, Marshall was the obvious choice to visit Japan, the home of General Douglas MacArthur’s headquarters, to conduct an investigation of those complaints.²⁴ General MacArthur, with some help from J. Edgar Hoover’s FBI, tried to prevent Marshall from traveling to Japan, but President Harry Truman (who had, much to MacArthur’s annoyance, ordered the desegregation of the Army in 1948²⁵) overruled MacArthur.²⁶ Marshall traveled to Japan, and to the front lines in Korea, where he did indeed

20. See LANGSTON UNIV., <http://www.langston.edu/> (last visited Mar. 5, 2018).

21. FISHER & GOBLE, *supra* note 10, at 126-27.

22. *Id.* at 124-45.

23. Wendell Phillips Speech in Boston, Massachusetts (Jan. 28, 1852), *in* RESPECTFULLY QUOTED 205 (Suzy Platt ed., 1992).

24. JUAN WILLIAMS, THURGOOD MARSHALL: AMERICAN REVOLUTIONARY 170-71 (1998).

25. Exec. Order No. 9981, 13 Fed. Reg. 4313 (July 26, 1948); RICHARD M. DALFUME, DESEGREGATION OF THE U.S. ARMED FORCES: FIGHTING ON TWO FRONTS 205-10 (1969).

26. WILLIAMS, *supra* note 24, at 171.

discover rather extreme differences in the treatment of African American and white troops in court-martial proceedings.²⁷

It soon became clear, however, that General MacArthur had no interest in correcting or even acknowledging the problems Marshall found.²⁸ Indeed, Marshall was certain that the general was actually a *part* of the problem.²⁹ As a result, there was no hope of reform at that time, at least on that side of the Pacific Ocean. Marshall and the NAACP did eventually manage to correct a number of injustices when appeals from unjust courts martial were heard in Washington, D.C., but significant racial justice reform in the armed forces in Asia had to await the replacement of General MacArthur by General Matthew Ridgway.³⁰ In the meantime, on his way out of Japan without satisfaction from MacArthur, Marshall did manage to engineer one small victory. He demonstrated it with a story—let’s call it story number three—in an oral history interview conducted many years later:

Q: Do you have any further impressions of General MacArthur? Do you feel he was definitely biased or just opinionated?

Marshall: He was as biased as any person I’ve run across.

Q: In other words, he felt basically that blacks were inferior?

Marshall: Inferior. No question about it. I told him about all these instances [of race discrimination in the Army, and then] I said, “Well, General, look—you’ve got all those guards out there with all this spit and polish and there’s not one Negro in the whole group.”

He said, “There’s none qualified.”

I said, “Well, what’s qualification?”

[MacArthur said,] “In field of battle, et cetera.”

I said, “Well, I just talked to a Negro yesterday, a sergeant, who has killed more people with a rifle than anybody in history. And he’s not qualified?”

27. *Id.* at 169-73.

28. *Id.* at 172.

29. *Id.*

30. HOWARD BALL, A DEFIANT LIFE: THURGOOD MARSHALL AND THE PERSISTENCE OF RACISM IN AMERICA 110-13 (1998); *see also* WILLIAMS, *supra* note 24, at 173.

And he said, “No.”

I said, “Well, now, General, remember yesterday you had the big band playing at the ceremony over there?”

He said, “Yes, wasn’t it wonderful?”

I said, “Yes. The Headquarters Band, it’s beautiful.” I said, “Now General, just between you and me, goddamn it, don’t you tell me that there’s no Negro that can play a horn?”

That’s when he said for me to go.³¹

Now you know why the *Green Bag*’s Thurgood Marshall bobblehead is holding a horn.³²

And here, from our third Thurgood Marshall story, we have our fourth little lesson. Again, it is a classic little lesson for us lawyers, yet another reminder, another fundamental practice tip: *Never ask a witness a question unless you know what the answer will be, and you want it on the record.*



Marshall knew perfectly well that MacArthur could have no good answers to his question about the band and the horn, and that any response would inevitably be undignified. And, indeed, General MacArthur’s response was, in essence, to pout and tell Marshall to go away and leave him alone.

But as with our second story, there is, I think, another important lesson just under the surface of our third. Think about it: Why on earth did Marshall ask that question about the band and the horn? Why, in other words, did he pull that stunt? He knew he wasn’t going to help his clients,

31. The Reminiscences of Thurgood Marshall (Feb. 1977) (transcripts of four tape-recorded interviews), in THURGOOD MARSHALL: HIS SPEECHES, WRITINGS, ARGUMENTS, OPINIONS, AND REMINISCENCES, 411, 452-53 (Mark Tushnet ed., 2001).

32. *Thurgood Marshall: The Annotated Bobblehead*, 21 GREEN BAG 2d 5 (2017), http://greenbag.org/v21n1/v21n1_ex_ante_Marshall.pdf (picture reprinted with permission).

those African American soldiers who were being mistreated under the MacArthur command (though Marshall and the NAACP would eventually succeed in obtaining better treatment for many of them). Marshall also knew he was not going to change General MacArthur's mind. So, I ask again, why? He was not seeking to influence or educate his adversary, and neither his client nor any other decision-maker was even in the room. Indeed, I know of no evidence that there was anyone else at all in the room.

I think Marshall was telling this story to us. I think he was speaking to posterity. And he was able to do that because he was one of the greatest theatrical figures of all time. He was a great playwright, a Shakespeare in his own right. He knew (like melancholy Jacques in *As You Like It*), that

All the world's a stage,

*And all the men and women merely players,*³³

and he could write the script. That's what a good examination or cross-examination is, and that is what Marshall was doing to General MacArthur. And Marshall also was a great actor—a De Niro, a Streep, a Washington—who could step onto a stage and into a role, make it his own, and deliver it to us with a magical credibility and vividness.

Marshall could be the scribe and the star, and he knew it. He used those capacities to advance the causes he was fighting for. Marshall knew that it would be difficult to bring home—to record in an accessible way for most people—the reality of MacArthur's racism and its devastating impact on individual African American soldiers in Korea. The story of the soldiers and their cumulative statistical significance would take too long to tell and it would be too legally technical and elaborate to reach most audiences.

So, he stepped into a scene—the exit interview in Douglas MacArthur's office, after a compelling investigation of racism in MacArthur's organization that MacArthur dismissed with the back of his hand—and asked four simple questions. General MacArthur's answers revealed that MacArthur was not the stereotypical bigot, the kind of person who had been raised to view certain groups of people in certain wrong-headed ways and to treat them accordingly, and was too lazy-minded, selfish, sheep-like, or nasty to change. A person like that would have had plenty of African Americans in the Headquarters Band, because of, well, ugly stereotypes about African Americans and musicality. But not MacArthur. MacArthur was not lazily, selfishly, or nastily entranced by racial stereotypes. Rather, MacArthur was a clever and powerful man who was going out of his way to

33. WILLIAM SHAKESPEARE, *AS YOU LIKE IT*, act 2, sc. 7.

oppress *all* African Americans within his power, without regard to stereotypes or anything else.

Marshall set General MacArthur up to display his hideous bigotry in a scene that would fit perfectly on Broadway. Marshall was going to put MacArthur where he belonged for the purposes of history, because Marshall knew that the civil rights struggle he was leading was a long game. He played it masterfully that day in Tokyo.

Am I right? Consider the following exhibit, an excerpt from the *New York Times*'s review of the Broadway play, "Thurgood," starring Laurence Fishburne in the eponymous role. As is common with reviews of plays and movies, the review features a couple of exemplary highlights from the show:

While arguing a case of discrimination against black servicemen in Korea, for example, Marshall slyly criticized Gen. Douglas MacArthur for denying that he approved the segregation of those under his leadership. Pointing to the regiment's all-white brass band, Marshall observed, "Don't tell me you can't find a Negro who can blow a horn."³⁴

There are plenty more exhibits of the Marshall, MacArthur, and the horn story in the news media,³⁵ in academia,³⁶ in the blogosphere,³⁷ and elsewhere.³⁸ It may not qualify as viral, but it certainly has a presence all its own. And so, Marshall's story about MacArthur and the horn is really also Marshall's story about his staging of a confrontation that illuminated a hateful adversary in ways that the underlying cases themselves could not. And it also gives us our fifth and last lesson: *Because of what we lawyers do, the clients we serve, and the causes we advocate, all of us are always on stage, always potentially part of a story to be told, and we are free to choose who writes the script and plays the parts. Not necessarily because*

34. Charles Isherwood, *Trials and Triumphs on the Road to Justice*, N.Y. TIMES (Aug. 17, 2008), http://www.nytimes.com/learning/teachers/featured_articles/20080502friday.html.

35. See, e.g., Gene Seymour, . . . *Stinging Like a Bee*, NATION (Jan. 7, 1999), <https://www.thenation.com/article/stinging-bee/>.

36. See, e.g., Rebecca Brown, *Deep and Wide: Justice Marshall's Contributions to Constitutional Law*, 52 HOW. L.J. 637, 637-38 (2009).

37. See, e.g., Gen. "Jim Crow" MacArthur, KILL THE JELLYFISH (Apr. 30, 2014), <http://coachfogs.blogspot.com/2014/04/gen-jim-crow-macarthur.html>.

38. See, e.g., 138 CONG. REC. 2087-02 (July 7, 1992) (extension of remarks of Hon. Lucien E. Blackwell).

they are stories about us, and not because we will necessarily get starring roles, but because they will be stories worth telling. Put another way,

Lives of great men all remind us

We can make our lives sublime,

And, departing, leave behind us

*Footprints on the sands of time.*³⁹

And here we are, studying and trying to follow in Thurgood Marshall's footprints in the sands of time.

IV. Marshall's Five Little Lessons in Practice

Permit me to close with a close-to-home example that sums the thrust of this Essay. Let's return for a moment to the story of Ada Lois Sipuel Fisher. Her struggle against racism was long and painful and costly. Her perseverance, her pursuit of equality and civil rights from the 1940s until her death in 1995, made a huge impact on the University of Oklahoma College of Law, on the state of Oklahoma, and on this country. But back in 1946 or 1948, she couldn't have known all that was in her future. Back then, she was one small member of an underfunded movement struggling in what could have been a losing fight against the massed authority and hostility of many powerful people and institutions. Did her movement win? Have the rights they were seeking been vindicated? And have the remedies fulfilled the promise of those rights? The answers are, of course, a mix of yeses and noes that give good grounds for both celebration and frustration. But there is indeed much to celebrate.

And how to celebrate the many yeses to which Sipuel Fisher contributed so nobly? How best to honor her and memorialize her contributions in a way that would be meaningful to her and will resonate with us and with posterity? How to script and perform something like the Marshall versus MacArthur exchange, but this time to speak to posterity about a person who should be honored and whose example should be followed? How to create a moment to memorably and honorably show that civil rights in her community and in her lifetime was not an exercise in fruitlessly going round and round in circles, but, rather, an exercise in slowly but surely, in fits and starts, going round and round in spirals, upward toward a higher level of equality for all?

39. Henry Wadsworth Longfellow, *A Psalm of Life: What the Heart of the Young Man Said to the Psalmist*, 12 KNICKERBOCKER 189 (Sept. 1838).

The answer is not obvious, until you hear it: appoint Sipuel Fisher to the very same Board of Regents that had been her adversary—her oppressor, really—in *Sipuel v. Board of Regents of the University of Oklahoma*! And so it was done, in 1992.⁴⁰ Many hands touched that project, of course, but two of those hands—important ones that pulled a laboring oar—belong to Oklahoma’s own Robert Henry.⁴¹ Without his support, Sipuel Fisher’s appointment might not have happened.⁴² He helped to craft a remedy; to aid Sipuel Fisher in her “eternal vigilance;” to write the script. He then played his part, helping history speak to and teach us. And thus we have a vivid, symbolic capsule of a story about the life and accomplishments of Ada Lois Sipuel Fisher: in her lifetime she helped transform Oklahoma from a state where the Board of Regents banned her from attending a place of higher education simply because of her race to a state where she could, and did, serve on that very same Board of Regents. Is there more to do? Of course. But she and her community came a long, long way in one lifetime. And there you have it. Bonus lesson number six, I suppose: *Be like Robert Henry being like Thurgood Marshall*. I doubt any of us could do better.

40. FISHER & GOBLE, *supra* note 10, at 186.

41. See CHERYL ELIZABETH BROWN WATTLEY, A STEP TOWARD *BROWN V. BOARD OF EDUCATION*: ADA LOIS SIPUEL FISHER AND HER FIGHT TO END SEGREGATION 253-54 (2014).

42. *Id.*